HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.8242 OF 2002

Between:

M.Jannamma

. . .Petitioner

AND

The Government of Andhra Pradesh and others

. . .Respondents

Counsel for the petitioner : Shri A.Rajendra Babu
for Shri K.Subba Rao

Counsel for the respondent No.1 : Government Pleader for
Revenue

Counsel for the respondent No.2 : Shri A.Rajashekar Reddy
Assistant Solicitor General

Dated: 22nd August, 2006

: ORDER :

In this petition, the petitioner has prayed for quashing communication No.52/CC/24/99-FF (list-II) H.C., dated 28.07.1999 vide which the Government of India refused to consider his claim for grant of pension under the Swatantrata Sainik Pension Scheme, 1980 (for short 'the 1980 Scheme'). She has further prayed for issue of a mandamus to the respondents to grant her pension under the 1980 Scheme.

A perusal of the communication under challenge shows that the Government of India, Ministry of Home Affairs refused to entertain the petitioner's claim for pension on the ground that the documents produced by her have not been verified by the State Government. This is evinced from paragraphs 5 to 8 of communication dated 28.07.1999, which are extracted below:

> "5. In your application you have claimed underground sufferings due to participation in the Hyderabad Freedom Struggle during 1947-48. In support of your claim you have submitted copy of Urdu document/arrest warrant. You have also submitted Personal Knowledge Certificate from
> Shri Gajwel Saidaiah, Ex-MLA.
>
> 6. Your case was recommended by the State Government in the year 1992 on the basis of the copy of court document produced by you in support of your claim of underground sufferings. The recommendations of the State Government were examined and it was found that the State Government had not furnished the original records of the Home Department. The State Government of Andhra Pradesh were requested to verify the court documents with the original records and furnish their verification report vide d.o. letter dated 15.6.1993 and

subsequent d.o. reminder dated 22.2.1999.

7. However, the necessary verification report of the State Government has not been received till date. In the absence of the said verification report of the State Government, your claim of sufferings is not acceptable under the Scheme. It is important to note that as per the policy decision of the Government, verification report of the State Government is necessary to consider your claim in terms of the provisions of the Scheme.

8. In view of the above reasons, it has not been found possible to accept your claim for the grant of pension under the Scheme. However, your case will be re-considered on receipt of the necessary report of the State Government called for vide this Ministry letter dated 15.6.1993 and dated 22.2.1999."

Learned counsel for the petitioner says that during the pendency of the writ petition, the State Government has sent verification report dated 30.06.2004 to the Government of India.

Shri A.Rajashekar Reddy says that the verification report sent by the State Government has not been received by the Ministry of Home Affairs.

In view of the statement made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

(1) Within one month from receipt of copy of this order, Revenue Secretary to the Government of Andhra Pradesh (Freedom Fighters Division) shall forward authenticated copy of verification report dated 30.06.2004 to Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division).

(2) Within two months of the receipt of communication from the Government of Andhra Pradesh, the concerned authority of the Government of India shall reconsider the petitioner's claim for grant of pension under the 1980 Scheme and take appropriate decision. Such decision

be communicated to the petitioner by registered post at the end of two months period specified in this paragraph.

(3) If the petitioner is found eligible and held entitle to receive pension under the 1980 Scheme, an appropriate direction be given to the concerned authority to release pension in her favour. The arrears of pension, if any, payable to the petitioner shall be paid to her within three months from the date of determination of her claim for grant of pension.

As a sequel to disposal of main petition, W.P.M.P.Nos.10268 of 2002 and 23089 of 2005 shall also stand disposed of.

G.S.SINGHVI, CJ

Date: 22.08.2006

kvni